

# Exhibit 48

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To  
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.  
Local Rule 56.1 Statement of Undisputed Material Facts  
in Support of Their Motion For Summary Judgment

Witness Russillo  
L. O'Sullivan, CSR 1-8-09

**From:** GERRITY, DAN MK BIPUS <gerrity@boehringer-ingelheim.com>  
**Sent:** Saturday, February 20, 1999 4:22 AM  
**To:** CIARELLI, GREGG MK BIPUS <gciarell@rid.boehringer-ingelheim.com>  
**Cc:** GERRITY, DAN MK BIPUS <dgerrity@bi-pharm.com>  
**Subject:** Redesign & RLI Pricing -- FW: URGENT!! Price Change effective 2/22/99 - Prelu-2  
**Attach:** RLI 0299 Prelu-2 INCREASE DATA.xls; RLI Prelu-2.doc

Gregg,

A few quick questions & thoughts - related to the Redesign.

- What is the RLI price change approval process and who formally approved it (I am not aware of their new methods since Tupa's departure)?
- Were you made aware of this price change before it occurred, and how early in the process were you involved?
- Is RLI's price changes processed in a manner similar to BIP's in that there is a Pricing Committee to analyze, review and approve each?
- Now that we are one Corporation, should these processes be combined and/or at least have common participants?

We both have noted that since Tupa's departure we have an opportunity to improve these processes and ensure all elements are properly addressed. In particular, I had noted in the past that RLI focused only on WAC pricing and that the AWP's were not adjusted/properly addressed resulting in major spreads. For example, BIP's WAC to AWP is traditionally a 20% increase for all products, whereas RLI's range from the 30% to 300% depending on the product. The impact I noted on MC was that for the RLI Brands I had to create different conversion tables so that the % rebate of WAC would equal the same dollars off AWP with a much lower %. When I investigated further, I was informed that Judy Waterer never considered changing the AWP with her WAC adjustments this past year.

The bottom line is that these process are the same and we need a process whereby the appropriate individuals are included to ensure all aspects & perspectives are addressed.

I will need to include this in the Redesign, and would appreciate you input on improving this process.

Another late night - so please understand that I had to get this off and hope it makes cents.

**Thanks,**

**Dan Gerrity**

Director, Strategic Contracting & Pricing  
 Boehringer Ingelheim Pharmaceuticals, Inc.  
 Phone: (203) 798-4626 Fax: (203) 791-6189  
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-----Original Message-----

**From:** MYER, ALEISHA ROXUS On Behalf Of FELDMAN, RICHARD ROXUS  
**Sent:** Friday, February 19, 1999 11:45 AM

**To:** Alesio, Phyllis; Banks, Bruce; Berkle, Shelly; BURTON, HEATHER; CARR-HALL, COLIN; Ciarelli, Gregg; Cumming, Jim; Delaney, John; DICK, HERMAN; Dockins, Terry; ELLEXSON, GARY; FELDMAN, RICHARD; Feller, Greg; Ferrara, Christine; Fulton, Greg; George, Andrew; Gerrity, Dan; GORDON, DAWN; Gordon, Susan; GROEBEL, ROBERT; GUNN, ED; Hankins, Bill; HART, JERRY; HAWTHORNE, PENNY; Hayes, Elizabeth; Hirst, Kathleen; KELMAN, DAVID ROXUS; KUTNER, DEBORAH ROXUS; Kwong, Chris; LAROWE, LOUIS ROXUS; Leonetti, Mike; Lloyd, Kimball; LOXLEY, RHODA ROXUS; MATHEWS, EVERETT ROXUS; MATHEWS, KIRK ROXUS; MCCOY, LYNDIA ROXUS; MELLODY, JIM; Michelsen, Scott; MYER, ALIESHA; Nelson, Richard; PAOLETTI, LESLI ROXUS; Peterman, Richard; POWERS, JOHN ROXUS; Press, Roseann; QUERRY, DAVID; Robert, Dave; ROSS, TERESA; Rowenhorst, James; RUSSELL, CRAIG ROXUS; Russillo, Tom; SAWYER, TOM ROXUS; SHEPARD, KIRK DR. ROXUS; SINCICH, JERRY ROXUS; SMITH, DAN; SMITH, MIKE ROXUS; SNYDER, STEVE; SWARTZ, JOHN ROXUS;

SYKORA, ROBERT      ROXUS; Thompson, Tommy; TROWBRIDGE, ELIZABETH      ROXUS; VIA, TOM  
ROXUS; WHITEHILL, NELLIE      ROXUS; Zebendon, Cheryl

ROXUS; WATERER, JUDY

Subject: URGENT!! Price Change effective 2/22/99 - Prelu-2

Importance: High

**Memo from Rich Feldman**

Attached please find a copy of the February 22, 1999 Immediate Wholesaler Price Change Announcement. As a courtesy to you, I am sending this **internal document** now in order to give everyone a little advance warning. This price list will be sent via fax modem to Wholesalers and Warehousing Chain Accounts **beginning today, February 19, 1999, approximately 4:00p.m. EST**.

Due to the fact that the AWP has changed, notification will also be sent to Third Party Pricing Services.

If I have inadvertently left anyone off of the list above please forward this document to them and notify my assistant, Aleisha Myer for future price notifications. Thank you.

Regards,                      <<...>>

Rich/acm

**NAMS,**

For your reference I have also attached a spreadsheet of the customers that we have notified. This way you can check your accounts to make sure they were all on the list to be notified.

Aleisha

<<...>>

[illegible]

[illegible]



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RL 0298 Priu-2 Increase Data

| Company                          | Address                                       | City           | State | Zip        | Product | Buyer                                       | WHO | Notes           |
|----------------------------------|---|----------------|-------|------------|---------|---|-----|-----------------|
| Roane Labs/BPI                   | 118 Erie Avenue                               | Rockaway       | NJ    | 07866      | E       | Deborah Kuter, NAM                          | WHO | Debbie Kuter    |
| Roane Labs/BPI                   | 9850 Covan Drive                              | Westerville    | OH    | 43082      | E       | Steve Snyder, NAM                           | WHO | Steve Snyder    |
| Shople Stores, Inc.              | 700 Pilgrim Way                               | Green Bay      | WI    | 54307      | C       | Jerry Kim, R.Ph., Senior Buyer              | WHO | NAM 7           |
| Smith Drug Company               | 450 Wolford Street                            | Spartanburg    | SC    | 29501      | C       | Christa Hampton, Marketing Administration   | WHO | NAM 8           |
| Smith Medical Partners           | 960 Lively Blvd.                              | Wood Dale      | IL    | 60191      | C       | Seymour Stoller, President                  | WHO | Not Covered     |
| Smith Food & Drug Centers        | 1725 West 1500 South                          | Salt Lake City | UT    | 84114      | C       | Kent Ramon, Pharm. Ser. Admin.              | WHO | Debbie Kuter    |
| Smith Pharmaceuticals            | 51 Glenlyon Boulevard                         | Shenwood       | NY    | 11718      | C       | Mark Ylardi, Director of Purchasing         | WHO | Not Covered     |
| Smith Transp. Co.                | 4111 Highway 101                              | Darien         | TX    | 75244      | C       | John Dato, Manager Contract Pricing         | WHO | Debbie Kuter    |
| Stalder                          | 600 Penn Center Blvd.                         | Peabody        | PA    | 15224      | C       | Art Klee, R.Ph., Dir. Materials Mgmt.       | WHO | NAM 8           |
| Sto & Shep/Pharmacy Technologies | 668 Park East Drive - Highland Industrial Pk. | Woonsocket     | RI    | 02896      | C       | Tom McGovern, Pharmaceutical Buyer          | WHO | NAM 8           |
| USA Drug                         | 1101 W. Vickery Blvd.                         | Fort Worth     | TX    | 76104      | C       | Brian Peterson, Inventory Control Mgr/Buyer | WHO | NAM 8           |
| Valley Drug Company              | 3017 N. Midland Drive                         | Five Bull      | AR    | 71603      | C       | Edward Baird, Head Buyer                    | WHO | Steve Snyder    |
| Valley Wholesale Drug Company    | 318 W. Boardman Street                        | Yountdown      | OH    | 44503      | C       | Dan Matoski, Pharm. Buyer                   | WHO | Debbie Kuter    |
| Value Drug                       | 1401 W. Fremont St.                           | Stockton       | CA    | 95203-269  | C       | Tom Donahue, Buyer                          | WHO | Penny Hawthorne |
| Wal-Mart                         | One Galtview                                  | Albion         | PA    | 18605      | C       | Bill Spradlin, Pharmaceutical Buyer         | WHO | NAM 8           |
| Walgreen's                       | 702 SW 8th Street                             | Bentonville    | AR    | 72716      | C       | John Ziebell, Pharmaceutical Buyer          | WHO | NAM 8           |
| Walsh Distribution Co., LLC      | 200 Wilford Rd., MS 2108                      | Deerfield      | IL    | 60015-4616 | C       | Randal Wilson, Dir., Purchasing             | WHO | NAM 8           |
| Walsh Dohmen Southeast, LLC      | 5005 North State Line                         | Texasdona      | TX    | 75501      | C       | John May, Inventory Manager                 | WHO | NAM 8           |
| Walsh Dohmen Southeast, LLC      | 3950 Valley East Industrial Dr.               | Birmingham     | AL    | 35217-054  | C       | Marjorie Hampton                            | WHO | NAM 8           |
| ZZ                               | 5005 North State Line                         | Texasdona      | TX    | 75501      | C       | Aleisha Myer                                | WHO | TEST            |
|                                  |   |                |       |            |         |   | WHO | TEST            |

# ABCDef

Pharmaceutical Buyer

Roxane Laboratories,  
Inc.

February 19, 1999

## PRODUCT PRICE CHANGE NOTIFICATION

Please note, effective 12:01 a.m. Eastern Standard Time, February 22, 1999, there will be an immediate price change for Prelu-2® Timed Release Capsules 105mg within the Roxane Laboratories, Inc., product line. This change is due to an increase in manufacturing and supply costs.

| DESCRIPTION                                 | NDC LIST<br>NO. 0054- | UNIT<br>PACKAGING | WHOLESALE<br>PRICE | AWP<br>PRICE |
|---|-----------------------|-------------------|--------------------|--------------|
| Prelu-2® Timed<br>Release Capsules<br>105mg | 2719-25               | Bottle of 100     | \$100.27           | \$120.32     |

Richard A. Feldman,  
R. Ph.  
Telephone (614) 272-4750  
Telefax (614) 276-0158  
E-Mail  
rfeldman(col.boehringer-  
ingelheim.com

1809 Wilson Road  
Columbus, Ohio 43228  
Telephone (614) 276-4000  
Telefax (614) 274-0974

Any order received by Roxane Laboratories, Inc. after 12:01 a.m., Eastern Standard Time on February 22, 1999, will be billed at the new price. **Be aware that this announcement is being sent to your headquarters only.** Please notify the appropriate personnel in your company of this price change. If there should be any questions about this price, please contact our Customer Service Department at 1-800-520-1631.

Please note any changes or updates of contact person(s) and return by fax to (614) 276-0158 so that we may maintain our records. Thanks for your continued support.

Sincerely,

Richard A. Feldman, R.Ph.  
Executive Director, Trade and Pharmacy Affairs

RAF/jdk